

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	CR. NO. 2:07-cr-307-MEF
	)	
EARNEST D. BATTLE	)	

UNOPPOSED MOTION TO CONTINUE TRIAL

Comes now the United States of America, by and through its United States Attorney, Leura G. Canary, and moves this court to continue the trial in the above-styled case, and as grounds therefore says as follows:

1. Defendant is currently set for trial on July 28, 2008.
2. The undersigned AUSA is scheduled to be in Columbia, South Carolina, from July 27, 2008, to August 1, 2008, to attend the Project Safe Childhood Advanced Online Child Exploitation Seminar. This seminar has been scheduled for months and will not be offered again until 2009.
3. The undersigned intended to file a motion for special setting of the trial requesting that the trial of this cause commence during the second week of the July 28, 2008, trial term, however, Don Bethel, defense counsel, advised the undersigned that he is scheduled to be in Montana and Wyoming from August 2, 2008, to August 13, 2008. Attorney Bethel has purchased non-refundable plane tickets for this trip and had scheduled this trip many months in advance. Due to this scheduling conflict, the undersigned does not request that this trial be scheduled for the second week of the July 28, 2008, trial term. Rather, the undersigned requests that the trial of this cause be continued to this Court's next Montgomery criminal term.

4. The undersigned has discussed this matter with Don Bethel, defense counsel, and he has asserted that he and his client concur with this request of a continuance.
5. Defendant is not presently in federal custody and will not be prejudiced by the requested continuance.

Wherefore, the above premises considered, in the interest of judicial economy, the United States respectfully requests the Court to continue the trial in the above-styled matter to October, 20, 2008.

Respectfully submitted this 14th day of July, 2008.

LEURA G. CANARY  
UNITED STATES ATTORNEY

/s/ Jerusha T. Adams  
JERUSHA T. ADAMS  
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CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Donnie W. Bethel.

Respectfully submitted,

LEURA G. CANARY  
UNITED STATES ATTORNEY

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